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January 27, 2023

VIA ECF

Hon. Lorna G. Schofield
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Global Gaming Philippines, LLC v. Razon, et al.*, No. 21-cv-2655 (LGS)

Dear Judge Schofield:

On behalf of Defendant Enrique K. Razon, Jr., and pursuant to the Local Rules of the Southern District of New York, Your Honor’s Individual Rule I.D.3, and the Stipulated Confidentiality Order entered in this matter (ECF No. 95), we respectfully submit this letter motion requesting permission to file under seal three non-public financial facts – (i) the 2022 annual revenues of Defendants BRHI and SPI; (ii) the estimated combined cash balance sheet of BRHI/SPI as of May 2022; and (iii) the estimated combined cash balance sheet of BRHI/SPI as of December 31, 2022 – which are referenced in four documents¹ that are being submitted in connection with Mr. Razon’s Motion for Summary Judgment (the “Motion”). Defendants BRHI and SPI join in this request as it pertains to their non-public information.²

BRHI and SPI are subsidiaries of non-party Bloomberry Resorts Corp. (“BRC”), a publicly traded company in the Philippines. BRC has not yet released either its fourth quarter or annual financial statements which will incorporate the financial facts that Defendants seeks to have filed under seal. Courts routinely grant narrowly tailored requests to redact “specific, non-public financial” information. *See, e.g., Lexington Furniture Indus., Inc. v. Lexington Co.*, AB, 2021 WL 1143694, at *2 (S.D.N.Y. Mar. 24, 2021) (granting motion to seal, among other things, non-public financial statements because “disclosure of this information could advantage Movant’s competitors and harm their businesses”). Indeed, courts have granted parties’ requests to redact information related to a company’s revenues and cash balances. *See, e.g., Kewazinga Corp. v. Microsoft Corp.*, 2021 WL 1222122, at *6 (S.D.N.Y. Mar. 31, 2021) (“Examples of commonly sealed documents include those containing . . . revenue information, pricing information, and the like,” and granting “narrowly tailored” redaction requests that would “protect only this sensitive

¹ Fact (i) is summarized in Mr. Razon’s Memorandum of Law in Support of His Motion (the “Brief”), Mr. Razon’s Statement of Undisputed Material Facts in Support of His Motion (the “56.1 Statement”), and the Declaration of Arcan Lat, who is BRHI and SPI’s Chief Financial Officer (the “Lat Declaration”). Fact (ii) is referenced in an excerpt of the transcript of BRHI/SPI’s Treasurer Estella Occeña (“Occeña Transcript”) as well as in the 56.1 Statement. Fact (iii) is referenced in the 56.1 Statement and the Lat Declaration.

² An appendix identifying all parties and attorneys of record who should (and already) have access to the sealed information is attached hereto.

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business information,” including revenue and sales figures); *Valelly v. Merrill Lynch, Pierce, Fenner & Smith Inc.*, 2022 U.S. Dist. LEXIS 140126, at *4 (S.D.N.Y. Aug. 4, 2022) (granting request to protect information related to defendant’s “cash and account holdings”); *Playtex Prod., LLC v. Munchkin, Inc.*, 2016 WL 1276450, at *11 (S.D.N.Y. Mar. 29, 2016) (granting request to redact a limited amount of statements in briefs/exhibits that related to, *inter alia*, plaintiff’s sales and revenue).

On top of that, BRHI and SPI’s cash balances are not typically separately reported in BRC’s financial statements and thus disclosure of such facts here could cause BRC competitive harm. *Valassis Commc’ns, Inc. v. News Corp.*, 2020 WL 2190708, at *4 (S.D.N.Y. May 5, 2020) (“Disclosure of the specifics of the [a division] and other units’ pricing, costs, revenue and profit information could result in significant harm to [plaintiff] without providing much value to the monitoring of the federal courts.”).

We therefore request that the Court grant this letter motion to seal the tiny bits of financial data that have been redacted from Mr. Razon’s Brief, 56.1 Statement, the Lat Declaration, and the Occeña Transcript.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Penski Fissell". The signature is fluid and cursive, with the first name "Rachel" being more prominent.

Rachel Penski Fissell

APPENDIX OF PARTIES AND ATTORNEYS OF RECORD THAT HAVE ACCESS
TO REDACTED INFORMATION IN DEFENDANT RAZON'S MOTION FOR
SUMMARY JUDGMENT PAPERS

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